

## REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art and to place the application as a whole into *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Applicant again acknowledges with appreciation, the Examiner's indication that claims 12 and 25 have been allowed.

Claims 13 and 26 have been rejected on the alternative bases of: 1) under 35 U.S.C. 102(b) as being anticipated by *Hill*, US 5,024,536 or 2) under 35 U.S.C. 103(a) as being unpatentable over *Hill*, US 5,024,536. Claims 6 - 8, 11, 13, 19 - 22, 24, 26, 27 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Seigelman*, US 5,881,883 in view of *Heldwein*, US 5,097,949 and *Hill*, US 5,024,536 and further in view of *Nakamura*, US 4,744,673. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

Applicant's invention, of amended claims 13 and 26, includes among other limitations, the limitation of the first and second inner layers being joined to one another along at least three longitudinally extending closure lines to form at least two inner chambers, for receiving articles to be packaged, the at least two inner chambers being bounded by the at least three closure lines and the first and second inner layers, wherein a first of the at least three longitudinally extending closure lines is disposed between a second and third of the at least three longitudinally extending closure lines, with the first closure line being disposed substantially closer to one of the second and third closure lines than to the other of the second and third closure lines to create at least one inner chamber having a width substantially less than at least one other inner chamber.

With respect to the Examiner's bases for rejection of the claims based solely on the *Hill* '536 patent, the *Hill* '536 reference, discloses resealable compartmented bags, wherein the compartments (arranged in multiples of two) are approximately equal. The reference does not set this characteristic as a preference, but as the only considered embodiment; the pockets may be more numerous or of larger or smaller sizes, but they

are still approximately equal. There is no suggestion in this reference for any other configuration. Accordingly, Applicant respectfully submits that each of claims 13 and 26 should be deemed to patentably distinguish over the cited *Hill* '536 reference, and that the Examiner's bases for rejection of claims 13 and 26 should be deemed overcome. Reconsideration and withdrawal of the rejections of claims 13 and 26, based on the *Hill* '536 reference, are respectfully solicited.

With respect to the rejections of independent claims 13, 26, 27 and 28, based on the combinations of the *Seigelman*, US 5,881,883; *Heldwein*, US 5,097,949; *Hill*, US 5,024,536; and *Nakamura*, US 4,744,673 references, Applicant respectfully submits that none of the *Seigelman* '883, *Heldwein* '949 or *Nakamura* '673 references even remotely teaches or suggests the use of a third longitudinally extending closure line, much less one disposed substantially closer to one of two adjoining longitudinally extending closure lines than another of the two adjoining longitudinally extending closure lines, to create an inner chamber having a width substantially less than that of at least one other inner chamber. As such, taken either alone or in combination, none of the foregoing references relied upon by the Examiner teaches or suggests this patentably distinguishing structural feature, found in each of independent claims 13, 26, 27 and 28. As such Applicant respectfully submits that each of claims 13, 26, 27 and 28 patentably distinguishes over the Examiner's purported combination of the *Seigelman*, US 5,881,883; *Heldwein*, US 5,097,949; *Hill*, US 5,024,536; and *Nakamura*, US 4,744,673 references, and that the Examiner's basis for rejection of those claims, based on that combination of references, should be deemed overcome. Accordingly, reconsideration and withdrawal of the rejections of claims 13, 26, 27 and 28, based on the combination of the *Seigelman*, US 5,881,883; *Heldwein*, US 5,097,949; *Hill*, US 5,024,536; and *Nakamura*, US 4,744,673 references, are respectfully solicited.

Applicant submits that all of the Examiner's bases for rejection of independent claims 13, 26, 27 and 28 should be deemed overcome. Accordingly, reconsideration and withdrawal of the rejections of claims 13, 26, 27 and 28, and allowance thereof are respectfully solicited.


Inasmuch as dependent claims 6 - 8, 11, 19 - 22, and 24 merely serve to further define the subject matter of independent claims 13 and 26, which themselves should be deemed allowable, reconsideration and withdrawal of the rejections of claims 6 - 8, 11, 19 - 22 and 24, and allowance thereof, are respectfully solicited.

Applicant submits that the application as a whole, including all of claims 6 - 8, 11 - 13, 19 - 22, 24, and 25 - 28, are in *prima facie* condition for allowance, and reconsideration and allowance of the application as a whole are respectfully solicited.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

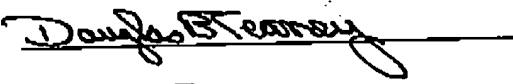
Respectfully submitted,  
GREENBERG TRAURIG, LLP

Dated: May 18, 2006

  
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#### **CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this AMENDMENT AND COMMUNICATION is being deposited with the United States Postal Service via facsimile transmission, to the attention of Examiner Jerrold Johnson, Art Unit 3728, at fax number 571-273-8300, on May 18, 2006.

  
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